



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/762,073	01/31/2001	Yasufumi Ichikawa	33220	7828

116 7590 07/27/2004  
PEARNE & GORDON LLP  
1801 EAST 9TH STREET  
SUITE 1200  
CLEVELAND, OH 44114-3108

EXAMINER

NGUYEN, TU X

ART UNIT	PAPER NUMBER
----------	--------------

2684

DATE MAILED: 07/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/762,073

Applicant(s)

ICHIKAWA, YASUFUMI

Examiner

Tu X Nguyen

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 07 June 2004.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments filed 6/7/04 have been fully considered but they are not persuasive.

Applicants argue that the reference does not teach a "transmission power control bit" is used such that a "transmission power control range changer".. changes a transmission power control range corresponding to the transmission power control bit based on the detected communication state. However, Sawahashi et al. disclose "a transmission power control bit" (see col.4 lines 40-42 and col.5 lines 10-13)..changes a transmission power control range corresponding to the transmission power control bit (see col.4 lines 60-65 and col.6 lines 25-30, "transmission power  $P_t$ " reads on "transmission power control range") based on the detected communication state (in light of specification communication state based on the reception power of a received signal from the distant station page 6 lines 5-7, corresponding to "the mobile station sequentially measures average received power per transmission power control period of the desired signal transmitted from the base station" as cited by Sawahashi (see col.6 lines 17-19).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the transmission power control bit range can be changed" and "the transmission power control bit is associated with that new range") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from

Art Unit: 2684

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

2. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-19, are rejected under 35 U.S.C. 102(b) as being anticipated by Sawahashi et al. (US Patent 5,590,409).

Regarding claims 1, 10-11 and 19, in light of specification page 27, lines 12-13, Sawahashi et al. disclose a transmission power control feature for controlling the transmission power of a local station by using the transmission power control bit transmitted from a distant station (base station 200) to the local station (mobile station 100), comprising:

Communication state detector which detects the communication state based on the reception power of a received signal transmitted from the distant station (base station 200, see S1-2, fig.4).

Art Unit: 2684

Transmission power control range changer which changes the transmission power control range corresponding to the transmission power control bit based on the detected communication state (see S3-S8, fig.4 and col.8 lines 14-57).

Regarding claims 2-3, 13 Sawahashi et al. disclose communication state detector has a reception power change detector which detects a change in reception power in a mobile station (see S3-5, Fig.4).

Regarding claim 4, Sawahashi et al. disclose said communication state detector has a control state detector which detects the control state of the local station (mobile station 100, see S4, fig.4).

Regarding claims 5-6, 12, Sawahashi et al. disclose said communication state detector has a mobile station transmission power change detector which detects a change in transmission power in the local station (mobile station 100, see S1, S7-8, fig.4).

Regarding claims 7 and 15, Sawahashi et al. disclose compares a previous reception power with a current reception power (see col.4 lines 20-27).

Regarding claims 8 and 16, Sawahashi et al. disclose a fading pitch of reception power (see col.3 lines 7-20).

Regarding claims 9 and 18, Sawahashi et al. disclose compares the reception power with a predetermined threshold (see col.4 lines 21-22).

Regarding claim 14, Sawahashi et al. disclose everything as claim 1 above. More specifically, Sawahashi et al. disclosed said transmission power control range changing step changes the transmission power control range depending on the

Art Unit: 2684

detected change in transmission power in the mobile station and the detected change in the transmission power control bit (see S4-5, fig.4).

Regarding claim 17, Sawahashi et al. disclose everything as claim 7 and 8 above.

### **Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond S Dean whose telephone number is 703-305-8998. The examiner, Tu Nguyen 703-305-3427, can normally be reached on 8:00-4:30AM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MAUNG NAY A, can be reached at (703) 308-7745. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

#### **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

*TW*  
July 13, 2004

  
**NAY MAUNG**  
**SUPERVISORY PATENT EXAMINER**